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BARBARA HUBBARD

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BARBARA HUBBARD,

Plaintiff,

C.V. CENTER, INC., JAMBA JUICE
COMPANY dba JAMBA JUICE #603;
CASUAL DINING SERVICES, INC.
dba PIZZERIA UNO; MERVYN'S
LLC; STARBUCKS CORPORATION
dba STARBUCKS COFFEE #6632; J.C.
PENNEY COMPANY, INC. dba
JCPENNEY #1274; SERLER, INC. dba
SUBWAY #31595; MANA
DEVELOPMENT GROUP, LLC dba
PANERA BREAD, CAFE #4284

Defendants,

Case No. 08-CV-471-JAH LSP

Assigned to: The Honorable John A.
Houston

**MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
THE JOINT MOTION OF
PLAINTIFF BARBARA HUBBARD
AND DEFENDANT C.V. CENTER,
INC. TO EXTEND TIME TO
ANSWER OR MOVE TO DISMISS**

1 Plaintiff Barbara Hubbard (“Plaintiff”) and defendant C.V. Center, Inc.
 2 (“C.V. Center”) hereby jointly move this Court for an order extending time to answer
 3 or move to dismiss Plaintiff’s Complaint (“the Complaint”).

4 **I.**

5 **INTRODUCTION**

6 Plaintiff filed the Complaint on March 13, 2008 against C.V. Center and
 7 seven other defendants. C.V. Center was through its agent for service of process by
 8 personal service on April 2, 2008. C.V. Center’s response to the Complaint is due
 9 April 22, 2008. The parties have agreed that good cause exists for the Court to extend
 10 time for C.V. Center to respond to the Complaint, as set forth below.

11 **II.**

12 **GOOD CAUSE EXISTS FOR THE COURT TO EXTEND THE TIME FOR**
 13 **C.V. CENTER TO ANSWER OR MOVE TO DISMISS**

14 Pursuant to Federal Rule of Civil Procedure 6(b), this Court has the
 15 discretion to extend time for C.V. Center to respond to the Complaint. Fed. R. Civ. P.
 16 6(b) (“When by these rules...an act is required or allowed to be done at or within a
 17 specified time, the court for cause shown may at any time in its discretion...order the
 18 period enlarged if request therefore is made before the expiration of the period
 19 originally prescribed....”). The parties have agreed that extending the time for C.V.
 20 Center will conserve the Court’s and the parties’ resources, and therefore believe that
 21 good cause exists for the Court to extend time.

22 The Complaint alleges thirty-two (32) causes of action. According to the
 23 Complaint, defendants operate and maintain facilities of public accommodation,
 24 which Plaintiff alleges do not meet the requirements of the Americans with
 25 Disabilities Act (42 U.S.C. §§ 12101 et seq.) and related statutes regarding
 26 accessibility for disabled individuals. Due to the complexity of the allegations, C.V.
 27 Center and its counsel require additional time to review the Complaint and prepare
 28

1 C.V. Center's response thereto. Plaintiff has agreed to extend C.V. Center's time to
2 respond to the Complaint for twenty-five (25) days, to and including May 15, 2008.
3 This is the first extension of time provided to C.V. Center to respond to the
4 Complaint, and the parties agree that this extension is not sought for the purpose of
5 improper delay, and will not prejudice Plaintiff.

6 **III.**

7 **CONCLUSION**

8 The parties have stipulated that extending the time for C.V. Center to
9 respond to the Complaint will conserve the parties' and the Court's resources. The
10 parties therefore believe that good cause exists for the Court to exercise its discretion
11 under Rule 6(b) to extend the time to respond to the Complaint. Accordingly, the
12 parties jointly move this Court to extend the time.

13
14 Dated: April 22, 2008

SIDLEY AUSTIN LLP

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16 By: /s/ Aimee G. Mackay
17 E-mail: amackay@sidley.com
18 Attorney for Defendant
C.V. CENTER, INC.

19 Dated: April 22, 2008

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23 Attorney for Plaintiff
24 BARBARA HUBBARD
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